

REMARKS

This Election is being filed in response to the Office Action mailed on July 18, 2007.

On page 2-4 of the Office Action the Examiner required an election of species under 35 U.S.C. § 121.

Reconsideration is respectfully requested.

Applicant submits that all of the active ingredients listed in dependent claim 2 are opioid analgesic and therefore would not overly burden the Examiner's search. Further, species II and III as listed by the Examiner encompass enteric coating agents and also would not require a burdensome search by the Examiner. Finally, species IV (if present) as listed by the Examiner recites plasticizers. This is only one class of excipients and also does not require a burdensome search by the Examiner. It is therefore respectfully requested that the Examiner withdraw the requirement for a species election.

Applicant respectfully traverses the Examiners' requirements for election of a election of a species under 35 U.S.C. § 121. However, if the species election is not withdrawn, applicants elect the following species: (a) species I: oxycodone; (b) species II: methacrylic acid copolymer; (c) species III: zein; and (d) species IV (if present): acetyltributyl citrate.

Applicant submits that all of claims 1, 3-17 and 19-33 are readable on the elected species.

Based upon the above remarks and species election, Applicant respectfully submits that Claims 1, 3-17 and 19-33 are allowable and that the present application is in proper form for allowance.

An early and favorable action is earnestly solicited.

Respectfully submitted,



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